1 THE HONORABLE RICARDO S. MARTINEZ 2 3 4 5 6 7 8 9 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE 10 11 CITY OF ISSAQUAH, a municipal corporation, No. 18-cv-00910-RSM 12 13 Plaintiff. JOINT MOTION AND ORDER TO CONTINUE DEPOSITION OF KEITH 14 CLINE PAST DISCOVERY DEADLINE VS. 15 ORA TALUS 90, LLC, a Delaware limited SAME DAY STIPULATED MOTION: 16 liability company; and RESMARK EQUITY June 15, 2021 17 PARTNERS, LLC, a Delaware limited liability company, 18 Defendants. 19 20 ORA TALUS 90, LLC, a Delaware limited liability company; and RESMARK EQUITY 21 PARTNERS, LLC, a Delaware limited liability 22 company, 23 Third-Party Plaintiffs, 24 VS. 25 TERRA TALUS LLC, a Washington limited 26 liability company; ELEMENT RESIDENTIAL JOINT MOTION AND ORDER TO CONTINUE



1 INC., a Washington corporation; JOSHUA FREED, an individual; J.R. HAYES & SONS, 2 INC., a Washington corporation; and TERRA 3 ASSOCIATES, INC., a Washington corporation, TALUS MANAGEMENT 4 SERVICES LLC, a Washington limited 5 liability company; and TALUS 7 & 8, LLC, a Washington limited liability company, 6 7 Third-Party Defendants. 8 TALUS 7 & 8 INVESTMENT, LLC, a Washington limited liability company; J.R. HAYES & SONS, INC., a Washington 10 corporation, 11 Third-Party Plaintiffs, 12 VS. 13 KULCHIN FOUNDATION DRILLING 14 COMPANY, a Washington corporation, and 15 BIG MOUNTAIN ENTERPRISE LLC, a Washington limited liability company, 16 17 Third-Party Defendants. 18

STIPULATED MOTION

COME NOW the above-captioned parties by and through their undersigned attorneys and stipulate to continue the deposition of City of Issaquah expert witness Keith Cline for one additional hour. During the course of Mr. Cline's May 27, 2021 deposition, eight pages of notes regarding his company's examination of evidence in this case were produced to the parties. Since other parties did not have time to review these notes and confer with their experts regarding the notes before Mr. Cline's deposition, the City of Issaquah agreed to allow for such review and for Mr. Cline's deposition to be continued to a later date to permit questioning on the content of the examination notes only. The deadline for expert depositions expired on May



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1	28, 2021. Accordingly, the parties request the deadline be extended to allow for one additional	
2	hour of deposition time with Mr. Cline on a dat	te and time mutually convenient to all parties.
3	IT IS SO STIPULATED.	
4	Dated this 10 th day of June, 2021.	Dated this 10 th day of June, 2021.
5	WILSON SMITH COCHRAN	CAIRNCROSS & HEMPELMANN, P.S.
6 7	DICKERSON By: s/Whitney L.C. Smith	By: <u>s/Terence J. Scanlan</u> By: <u>s/Patricia A. Laughman</u>
8	By: s/Brian Buron Whitney L.C. Smith, WSBA No. 21159	Terence J. Scanlan, WSBA #19498 Patricia A. Laughman, WSBA # 46716
9	Brian Buron, WSBA No. 27206 WILSON SMITH COCHRAN	524 Second Avenue, Suite 500 Seattle, WA 98104-2323
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131415	Email: smithw@wscd.com Email: buron@wscd.com Attorneys for Third Party Defendant Terra Talus LLC	
16	Dated this 7 th day of June, 2021.	Dated this 7 th day of June, 2021.
17	KEATING, BUCKLIN & MCCORMACK, INC., P.S.	BROWN WHITE & OSBORN LLP
18		By: s/Cynthia M. Cohen
19	By: Michael C. Walter By: Jeremy W. Culumber	Cynthia M. Cohen, Admitted Pro Hac Vice 333 S. Hope Street, Suite 4000 Los Angeles,
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1	Dated this 10 th day of June, 2021.	Dated this 10 th day of June, 2021.
2 3	HARRIGAN LEYH FARMER & THOMSEN LLP	FOSTER GARVEY PC
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9	Resmark Partners, LLC	
10	Dated this 15 th day of June, 2021.	Dated this 8 th day of June, 2021.
11	STOEL RIVES LLP	PREG O'DONNELL & GILLETT PLLC
12	By: _s/Patrick Mullaney	By: <u>s/John K. Butler</u>
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16	Attorneys for J.R. Hayes & Sons, Inc., Talus 7 & 8, LLC, and Talus Management	
17	Services, LLC	
18	Dated this 7 th day of June, 2021.	Dated this 10 th day of June, 2021.
19	WILLIAMS, KASTNER & GIBBS PLLC	CLEMENT & DROTZ, PLLC
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24	Terra Talus, LLC and Joshua Freed	Attorneys for Joshua Freed
25		
26	Dated this 8 th day of June, 2021.	Dated this 10 th day of June, 2021.

JOINT MOTION AND ORDER TO CONTINUE

DEADLINE (Cause No. 18-cv-00910-RSM) – 4

bp/SLE6704.050/3903477

DEPOSITION OF KEITH CLINE PAST DISCOVERY

WILSON **SMITH** DICKERSON

1		
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7	Attorneys for Terra Associates, Inc.	Email: powell@oles.com Attorneys for Kulchin Foundation Drilling
		Company
8	Dated this 7 th day of June, 2021.	
10	FLOYD PFLUEGER & RINGER, P.S.	
11	By: s/Douglas K. Weigel	
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13	Seattle, WA 98119	
14	Telephone: 206-441-4455 Email: dweigel@floyd-ringer.com	
15	Attorneys for Big Mountain Enterprises	
16	O	RDER
17		D MOTION, IT IS SO ORDERED. The deadline
18	for expert witness discovery is extended to	allow for one additional hour of deposition time
19	with expert Keith Cline on a date and time m	nutually convenient to all parties.
20	DATED this 16 th day of June, 2021.	
21		
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24		RICARDO S. MARTINEZ CHIEF UNITED STATES DISTRICT JUDGE
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1	Presented by:	
2		
3	Dated this 10 th day of June, 2021.	Dated this 10 th day of June, 2021.
4	WILSON SMITH COCHRAN DICKERSON	CAIRNCROSS & HEMPELMANN, P.S.
5	BIGILLIOGI	By: s/Terence J. Scanlan
6	By: <u>s/Whitney L.C. Smith</u> By: <u>s/Brian Buron</u>	By: s/Patricia A. Laughman Terence J. Scanlan, WSBA #19498
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13	Attorneys for Third Party Defendant Terra Talus LLC	
14	Dated this 7 th day of June, 2021.	Dated this 7 th day of June, 2021.
15	KEATING, BUCKLIN & MCCORMACK,	BROWN WHITE & OSBORN LLP
16	INC., P.S.	Dry a/Cauthia M. Cahan
17	By: <u>Michael C. Walter</u>	By: <u>s/Cynthia M. Cohen</u> Cynthia M. Cohen, Admitted Pro Hac Vice
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1	Dated this 10 th day of June, 2021.	Dated this 10 th day of June, 2021.
2	HARRIGAN LEYH FARMER &	FOSTER GARVEY PC
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8	Attorneys for ORA Talus 90, LLC and Resmark Partners, LLC	7 & 8, LLC, and Talus Management Services, LLC
9	Dated this 15 th day of June, 2021.	Dated this 8 th day of June, 2021.
10	STOEL RIVES LLP	PREG O'DONNELL & GILLETT PLLC
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16	7 & 8, LLC, and Talus Management	
17	Services, LLC Dated this 7 th day of June, 2021.	Dated this 10 th day of June, 2021.
18	·	•
	WILLIAMS, KASTNER & GIBBS PLLC	CLEMENT & DROTZ, PLLC
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23	Terra Talus, LLC and Joshua Freed	Attorneys for Joshua Freed
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26	Dated this 8 th day of June, 2021.	Dated this 10 th day of June, 2021.

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7	12000 100, 200 100, 200 100, 200	Attorneys for Kulchin Foundation Drilling Company
8	D. 1.1. 5th 1 CY 2001	Company
9	Dated this 7 th day of June, 2021.	
10	FLOYD PFLUEGER & RINGER, P.S.	
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1	<u>CERTIFICATE OF SERVICE</u>	
2 3	The undersigned certifies that under p Washington that on the below date I caused to	penalty of perjury under the laws of the State of be served the foregoing document on:
4	Attorney for Plaintiff Terence J. Scanlan	Attorney for Plaintiff Michael Charles Walter
5	Patricia A. Laughman Cairncross & Hempelmann, P.S.	Jeremy W. Culumber Keating Bucklin McCormack, Inc., P.S.
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8	() Via Hand Delivery (X) Via CM/ECF	() Via Facsinine. 200-223-3423 () Via Hand Delivery (X) Via CM/ECF
9	() Via Email	() Via Email
10	Attorneys for Defendants/Third Party Plaintiffs ORA Talus 90, LLC and	Attorneys for Defendants/Third Party Plaintiffs ORA Talus 90, LLC and
11	Resmark Equity Partners, LLC Arthur W. Harrigan, Jr.	Resmark Equity Partners, LLC Cynthia M. Cohen
12	Tyler L. Farmer HARRIGAN LEYH FARMER &	BROWN WHITE & OSBORN LLP 333 S. Hope Street, Suite 4000
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16	(X) Via CM/ECF () Via Email	
17	Attorney for Third Party Defendant	Attorney for Third Party
18	Kulchin Foundation Drilling Company Bradley L. Powell	Defendants/Third Party Plaintiffs J.R. Hayes & Sons, Inc. and Talus Management
19 20	Ryan M. Gilchrist Oles Morrison Rinker & Baker 701 Biles Street Suite #1700	Services and Talus 7 & 8 LLC John P. Zahner FOSTER CARVEY R.C.
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23	(X) Via CM/ECF () Via Email	() Via Hand Delivery (X) Via CM/ECF
24		() Via Email
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1	Attorney for Third Party	Attorney for Third Party Defendant
2	Defendant/Fourth Party Plaintiff J.R. Hayes & Sons, Inc.	Joshua Freed W. Scott Clement
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	(X) Via CM/ECF	() Via Email
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8	Attorney for Third Party Defendant Terra	Attorney for Third Party Defendant Big
٥	Associates Inc.	Mountain Enterprises, LLC
9	Peter Nierman A. Grant Lingg	Amanda D. Daylong Douglas Weigel
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15	Attorney for Third Party Defendants Town Talua LLC Flamont Pacidantial	
	Terra Talus LLC, Element Residential, Inc. and Joshua Freed	
16	Erin Varriano	
17	Christine J. Lee WILLIAMS KASTNER & GIBBS	
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20	(X) Via CM/ECF	
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22	SIGNED this 15 th day of June, 2021, at	Seattle, Washington.
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24		Becky Phares
,,	Be	cky Phares
25		